IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 12984 of 2004

Between:

M/s. Shaiko & Co., Tanners, Desaipet, Warangal, Warangal District.
Rep. by its Partner, Shaik Basheer Ahmed, S/o. Shaik Mohd. (Late),

age 50 Years, OCC: Business, R/o. Mandi Bazar, Warangal District.

..... PETITIONER

AND

1 The Assistant Provident Fund Commissioner & Authority Under Section 7-A
Sub-Regional Office, Balasamudram, Hanamkonda, Warangal District.
2 The Recovery Officer, (Employees Provident Funds),
Sub-Regional Office, Balasamudram, Hanamkonda, Warangal District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the proceedings dated 28-10-2003 made in No. AP/SRO/WL/ENF/7089/WGL/7A ORDER/2003-04/3132 and also order dated 27-4-2004 made in No. AP/SRO/WG/ENF/7089/2004-05/94 issued by the 1st respondent herein as illegal and arbitrary and violative of principles of natural justice.

Counsel for the Petitioner:MR.A.PRABHAKAR RAO

Counsel for the Respondents: MR.R.N.REDDY

The Court at the stage of admission made the following ORDER:

The petitioner-establishment is covered under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act"). The respondents issued impugned proceedings dated 28-10-2003 under Section 7-A of the Act assessing the contribution of provident fund payable by the petitioner to a tune of Rs.1,40,784/-. Since the said amount had not been deposited, petitioner-establishment was called upon to pay the same as per Section 8 read with 8-B of the said Act and issued impugned notice on 27-04-2004 to recover the said amount. Questioning the same, the present writ petition is filed.

The only submission made by the learned counsel for the petitioner-establishment is that the petitioner is ready to deposit the said amount, provided, if ten instalments are granted by this Court. The learned counsel for the respondents Corporation has not opposed the same but he submits that the interest amount itself comes to more than the due amount.

In view of the same, the petitioner shall deposit a sum of Rs.40,000/- (Rupees Forty thousands only) on or before 14-08-2004 and is permitted to pay the balance amount in seven (7) equal monthly instalments on or before 15th of the every month, commencing from 15-09-2004 onwards. However, the said amount payable is

subject to without prejudice to the rights of the petitioner-establishment, if any, on filing appeal and questioning the demand.

The writ petition is accordingly disposed of. No costs.

26th JULY, 2004.

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